IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.515 OF 2007

1. Sharad Panditrao Jadhav, .. Appellant.
Vs
1. Sou.Sonabai Chimasaheb Shinde
and ors. .. Respondents

Mr Umesh R Mankapure, for the appellant.
Mr A.M.Kulkarni, for respondent no.1.

CORAM : D.B.BHOSALE,J.
DATED : 30th JULY, 2007

P.C.:

1. Heard the learned counsel for the parties.

2. This appeal by original defendant no.3 challenges the concurrent findings of facts recorded by the courts below by which a suit filed by respondent no.1-plaintiff stands decreed. The suit was filed for declaration that the plaintiff has title over the suit lands and for injunction. Both the courts below, after having considered the entire evidence on record, have held that the agreement dated 4.6.1992 between the appellant and Ujjawala, the wife of Balasaheb, does not bind the respondent-plaintiff. The suit property was originally owned by Maruti, who died leaving behind his only daughter Anjubai. Anjubai died leaving behind her daughter Sonabai. After the death of Maruti and Anjubai, Sonabai became absolute owner of the suit property. Vilas and Balasaheb are her sons and they

claim that the property was partitioned between the two by Anjubai and their names were accordingly entered in the record of rights. This case set up by the appellant has been rejected by the courts below. It may be noticed that the appellant had filed a suit for injunction on the basis of the aforesaid agreement. In that suit Sonabai, the plaintiff in the present suit, was also party-defendant. That suit and the first appeal were dismissed and the second appeal no.510 of 2007 against the concurrent findings has also been dismissed by me today. It is against this backdrop, no interference is called for. The findings of facts recorded by the courts below are based on the evidence on record. No substantial question of law is raised in this appeal. Hence, the appeal is dismissed.

(D.B.BHOSALE,J.)